

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
:  
: 21 MC 101 (AKH)  
:  
IN RE SEPTEMBER 11 LITIGATION : This Document Relates To:  
: 08 CIV 3719  
: 08 CIV 3722  
:  
----- X

**DECLARATION OF DESMOND T. BARRY, JR.**

I, DESMOND T. BARRY, JR., hereby declare as follows:

1. I am admitted to practice before this Court and a member of the law firm of Condon and Forsyth LLP, co-counsel for American Airlines, Inc. and AMR Corporation. I also serve as Liaison Counsel for the Aviation Defendants in these proceedings.

2. I submit this declaration, pursuant to 28 U.S.C. § 1746, in support of the Aviation Defendants' Motion for Summary Judgment dismissing all claims by Plaintiff World Trade Center Properties for the destruction of World Trade Center buildings WTC 1, WTC 2, WTC 4 and WTC 5.

3. In support of this Motion, I attach the following exhibits:

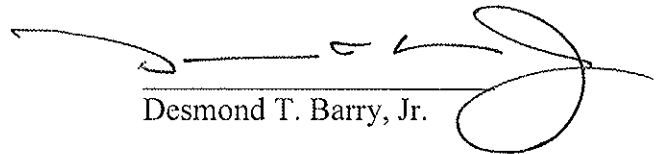
<u>No.</u>	<u>Exhibit</u>
A.	Minutes of the Board of Commissioners of the Port Authority of New York and New Jersey, dated April 26, 2001.
B.	World Trade Ctr. Net Lease Transaction Fairness Opinion Presentation, dated April 27, 2001.

C.	Integra, Krauser & Cirz, Appraisal Report, dated June 11, 2001.
D.	Excerpts of the Deposition of Michael Levy in <i>SR Int'l Bus. Ins. v. World Trade Ctr. Props., LLC</i> , No. 01-CV-9291 (S.D.N.Y.).
E.	Print out of Vornado Realty Trust Web Site.
F.	Print out of Brookfield Properties Web Site.
G.	Print out of Boston Properties Web Site.
H.	Agreement to Enter into Net Lease – 1 World Trade Center, dated April 26, 2001.
I.	Agreement to Enter into Net Lease – 2 World Trade Center, dated April 26, 2001.
J.	Agreement to Enter into Net Lease – 4 World Trade Center, dated April 26, 2001.
K.	Agreement to Enter into Net Lease – 5 World Trade Center, dated April 26, 2001.
L.	Agreement of Lease – 1 World Trade Center, dated July 16, 2001.
M.	Agreement of Lease – 2 World Trade Center, dated July 16, 2001.
N.	Agreement of Lease – 4 World Trade Center, dated July 16, 2001.
O.	Agreement of Lease – 5 World Trade Center, dated July 16, 2001.
P.	Silverstein Properties, Inc., World Trade Center Office Complex Brochure.

Q.	GMAC Commercial Mortgage Securities, Inc., Confidential Offering Circular, dated August 8, 2001.
R.	<i>World Trade Ctr. Props., LLC v. Hartford Fire Ins. Co.</i> , 345 F.3d 154 (2d Cir. 2003).
S.	Excerpt of trial testimony of Robert Strachan in <i>SR Int'l Bus. Ins. v. World Trade Ctr. Props., LLC</i> , No. 01-CV-9291 (S.D.N.Y.).
T.	Chart by Wachtell, Lipton, Rosen & Katz "WTCP Main Site Plaintiffs – Property Insurance Payments Received and to be Received, by Insurance Carrier".
U.	Transcript of March 18, 2008 Status Conference.
V.	WTCP Cross-Claim Plaintiffs' Updated Damage Disclosure: 1, 2, 4, and 5 World Trade Center, dated April 23, 2007.
W.	World Trade Center Properties LLC and Subsidiaries Consolidated Financial Statements as of December 31, 2001, dated April 22, 2002.
X.	<i>SR Int'l Bus. Ins. Co., Ltd. v. World Trade Ctr. Props.</i> , 467 F.3d 107 (2d Cir. 2006).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 20, 2008  
New York, New York

  
Desmond T. Barry, Jr.

Pursuant to the Court's permission, **Exhibit A** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit B** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit C** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit D** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit E** has been filed with the Court in hard copy.



Pursuant to the Court's permission, **Exhibit F** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit G** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit H** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit I** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit J** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit K** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit L** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit M** has been filed with the Court in hard copy.



Pursuant to the Court's permission, **Exhibit N** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit O** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit P** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit Q** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit R** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit S** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit T** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit U** has been filed with the Court in hard copy.



Pursuant to the Court's permission, **Exhibit V** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit W** has been filed with the Court in hard copy.

Pursuant to the Court's permission, **Exhibit X** has been filed with the Court in hard copy.